HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No.3223 of 2007

Petitioner	:	Smt. Dev Kuwar Bai D/o- Johrik Sahu Aged about 59 years, Permanent Gangman, R/o Village-chiddo P.O. Patargaon Tehsil & District - Rajnandgaon (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh, Through: The Secretary, Public Works Department, D.K.S. Bhawan, Raipur (C.G.)
	2.	Sub Division Officer, Sub-Division No.2, C.G. PWD, PWD Office, Rajnandgaon, District - Rajnandgaon (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Single Bench: Hon'ble Justice Shri Satish K. Agnihotri

Present : Shri Anoop Majumdar,counsel for the petitioner.
Shri Ajay Diwivedi, Panel Lawyer for the State.

ORDER
(Passed on 11th June, 2007)

1. By this petition, the petitioner, who has worked as Gangman (permanent) Sub-Division Rajnandgaon, District - Rajnandgaon, seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. The indisputable facts are that the petitioner was employed Gangman (permanent) Sub-Division Rajnandgaon, District - Rajnandgaon and she was retired from service w.e.f. 31.05.2007 on attaining the age of 60 years vide order dated 2.4.2003 and

24

24.4.2003. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979') framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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